

AMENDED

ASSIGNED
Nº 32284

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office JUN 24 1977

Returned to applicant for correction FEB 2 1978

Corrected application filed FEB 13 1978

Map filed SEP 26 1977

Albert & Martha Montero, James H. Cole & Julian C. Smith, Sr., Suzanne
The applicant M. & Laurence Montero, John R. Montero & Helen Montero Raus-
cher

P.O. Box 1010, of Winnemucca,
Street and No. or P.O. Box No. City or Town

Nevada 89445, hereby make application for permission to appropriate the public
State and Zip Code No.

waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

1. The source of the proposed appropriation is underground
Name of stream, lake or other source.

2. The amount of water applied for is 8.0 cfs second-feet
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet acre-feet

3. The water to be used for irrigation
Irrigation, power, mining, manufacturing, domestic, or other use.

4. If use is for:

(a) Irrigation (state number of acres to be irrigated) 1,280 acres

(b) Stockwater (state number and kinds of animals to be watered)

(c) Other use (describe fully under "No. 12. Remarks")

(d) Power:

(1) Horsepower developed

(2) Point of return of water to stream

5. The water is to be diverted from its source at the following point: SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, T.41N.,
R.28E., MDB&M, or at a point from which the SE corner of section 10,
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land,
T.41N., R.28E., bears S 44° 50' eE a distance of 7,515.0'
it should be stated.

6. Place of use SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4,
Describe by legal subdivision, if on unsurveyed land it should be so stated.
E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 9, E $\frac{1}{2}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ &
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 15, W $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ section
11, all within T.41N., R.28E., MDB&M.

7. Use will begin about January 1 and end about December 31, of each year.
Day and Month Day and Month

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) well, pump, electric power, and
pipeline system

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

9. Estimated cost of works.....\$25,000.....
10. Estimated time required to construct works.....3 years.....
11. Estimated time required to complete the application to beneficial use.....5 years.....
12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Application has been made for this land under the Carey Act with the State of Nevada. We propose to commence work on the well and development of the land as soon as approval of the application has been made.

Albert and Martha Montero
James H. Cole and Julian C. Smith, Sr.
Applicant Suzanne M. and Laurence Montero
John R. Montero
Helen Montero Rauscher By s/ Robert N. Caldwell
Robert N. Caldwell (agent)
510 Melarkey Street
Compared 1p/ga cl/cms Winnemucca, Nevada 89445

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins or before the Proof of Completion of Work is filed.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The place of use of this permit is limited to the irrigation of 320.0 acres described as follows: S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 3; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9; and N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10 all in T.41N., R.28E. M.D.B.&M.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 5.4 cubic feet per second, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources, but not to exceed 1,280.0 acre-feet annually.

Actual construction work shall begin on or before.....N/A.....

Proof of commencement of work shall be filed before.....N/A.....

Work must be prosecuted with reasonable diligence and be completed on or before.....June 24, 2000.....

Proof of completion of work shall be filed before.....July 24, 2000.....

Application of water to beneficial use shall be made on or before.....June 24, 2002.....

Proof of the application of water to beneficial use shall be filed on or before.....July 24, 2002.....

Map in support of proof of beneficial use shall be filed on or before.....July 24, 2002.....

Commencement of work filed..... IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P. E.
Completion of work filed..... State Engineer of Nevada, have hereunto set my hand and the seal of
Proof of beneficial use filed..... my office, this 24th day of June
Cultural map filed.....

Certificate No. 2001-30-2003 A.D. 19 97
Recorded CANCELED BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH PROVISIONS OF PERMIT
State Engineer